

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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| WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY, Plaintiffs, v. ELIAZAR CISNEROS, RANDI CEH, STEVE CEH, JOEYLYNN MESAROS, ROBERT MESAROS, and DOLORES PARK, Defendants. | Civil Action No. 1:21-cv-00565-RP Hon. Robert Pitman |
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**PLAINTIFFS' SURREPLY IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
DEFENDANT STEVE AND RANDI CEH'S MOTION FOR CONTINUANCE OF TRIAL**

Plaintiffs file this surreply in response to the allegations in Defendant Steve and Randi Ceh's (the Cehs) reply in support of their motion for a continuance. The Cehs' reply appears to argue that trial should be continued because Plaintiffs did not produce confidential settlement agreements that were widely publicized during discovery, but the Cehs never asked for them.¹ In fact, the Cehs never propounded a single discovery request before or after discovery closed in December 2023.² The Cehs should not get a second bite at the apple on discovery three days before

¹ The Cehs also allege that Plaintiffs have "bull[ied] Defendants who have limited resources," presumably in reference to the Cehs. But the Cehs have meaningfully participated in this case. They attended numerous depositions and asked questions in at least one Plaintiff's deposition. That the Cehs have now obtained counsel does not warrant a continuance, nor does their prior failure to propound discovery requests. For example, Defendant Cisneros also did not propound any discovery requests in this case.

² Nor did the Cehs object to the documents Plaintiffs produced under Federal Rule of Civil Procedure 26(a)(1)(A)(ii), and Plaintiffs provided thousands of additional documents to the Cehs, including documents produced by non-parties, despite the fact that they never served discovery.

voir dire is scheduled to begin in this case just because, years into this litigation, they obtained counsel.

The Cehs' reply states that "Plaintiffs have, for over a year, withheld and failed to disclose written agreements with former defendants—and now plaintiff witnesses—Hannah Seh [sic] and Kyle Kruger." But information about Plaintiffs' settlement with former Defendants Hannah Ceh and Kyle Kruger was widely publicized back in April of 2023, over six months before the close of discovery.³ The Cehs never sought to discover the confidential terms of the settlement. The Plaintiffs agree: they did not provide the Cehs with discovery the Cehs never requested.

The Cehs' reply does not even attempt to address the case law or arguments in Plaintiffs' response and instead, only raises new arguments that should be rejected by this Court.⁴ The Cehs' motion for a continuance should be denied, along with their request to reopen discovery less than a week before trial is scheduled to begin.

Date: September 3, 2024

Respectfully submitted,

/s/ Christina Beeler

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³ See *Two Defendants in the Texas "Trump Train" Lawsuit Agree to Settlement*, <https://protectdemocracy.org/work/two-defendant-settle-trump-train/> (last visited Sept. 3, 2024).

⁴ Like their motion for a continuance, the Cehs' reply is notably devoid of case law—the Cehs did not cite to a single case in their reply, and only one case in their motion. See Dkts. 507, 510.

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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2024, a true and correct copy of the foregoing has been served on all counsel of record by the Electronic Case File System of the Western District of Texas in compliance with the Federal Rules of Civil Procedure.

DATED: September 3, 2024

Respectfully submitted,

/s/ Christina Beeler